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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

R.J. CAPAK,

Plaintiff,

-against-

BLANCA LASALLE d/b/a CREATIVELINK, SONY  
BMG MUSIC ENTERTAINMENT, LLC, and JOHN  
and JANE DOES 1 through 10.

Defendants.

No. 08 CV 3165 (GBD)

**ANSWER OF DEFENDANT  
BLANCA LASALLE**

Defendant Blanca Lasalle ("Lasalle"), by her undersigned counsel, as and for her  
Answer to Plaintiff R. J. Capak ("Plaintiff")'s Complaint (the "Complaint"), respectfully  
responds as follows:

**JURISDICTION and VENUE**

1. Plaintiff sets forth a conclusion of law in Paragraph 1 of the Complaint to which no response by Lasalle is required.
2. Plaintiff sets forth a conclusion of law in Paragraph 2 of the Complaint to which no response by Lasalle is required.
3. Plaintiff sets forth a conclusion of law in Paragraph 3 of the Complaint to which no response by Lasalle is required.
4. Plaintiff sets forth a conclusion of law in Paragraph 4 of the Complaint to which no response by Lasalle is required.

### **THE PARTIES**

5. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations contained in Paragraph 5 of the Complaint.

6. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations contained in Paragraph 6 of the Complaint.

7. Lasalle denies Plaintiff's allegations contained in Paragraph 7 of the Complaint, except states that she is a resident of New York City, Bronx County, New York, and further states that she is the President of Creativelink, Inc., (hereinafter "Creativelink") a company duly incorporated under the laws of the State of New York with its principal place of business at 165 Madison Avenue, Suite 501, New York, New York 10016.

8. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations contained in Paragraph 8 of the Complaint.

9. Lasalle denies the allegations contained in Paragraph 9 of the Complaint, except states that Creativelink is a public relations company whose clients include Victor Manuelle, a singer who resides in Puerto Rico, and who has recorded many music productions, including one entitled "Victor Manuelle: En Vivo Desde El Carnegie Hall." Lasalle further states that she is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations concerning the particular photographs that are the subject of the Complaint.

10. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations in Paragraph 10 of the Complaint.

11. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations in Paragraph 11 of the Complaint.

12. Lasalle denies the allegations contained in Paragraph 12 of the Complaint.

13. Lasalle denies the allegations contained in Paragraph 13 of the Complaint.

14. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations contained in Paragraph 14 of the Complaint.

15. Lasalle denies any allegations contained in Paragraph 15 of the Complaint.

16. In Paragraph 16 of the Complaint, Plaintiff sets forth a conclusion of law to which no response by Lasalle is required.

#### **ALLEGATIONS AS TO ALL COUNTS**

17. Lasalle incorporates by reference, repeats and realleges as if fully set forth herein each and everyone of her responses to Paragraphs 1 through 16 of the Complaint, and otherwise denies the allegations contained in Paragraph 17 of the Complaint.

18. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations contained in Paragraph 18 of the Complaint.

19. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations contained in Paragraph 19 of the Complaint.

20. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations contained in Paragraph 20 of the Complaint.

21. Lasalle denies the allegations contained in Paragraph 21 of the Complaint.

22. Lasalle denies the allegations contained in Paragraph 22 of the Complaint.

23. Lasalle denies any allegations as to her contained in Paragraph 23 of the Complaint.

24. Plaintiff sets forth a conclusion of law in Paragraph 24 of the Complaint to which no response by Lasalle is required.

25. Plaintiff sets forth a conclusion of law in Paragraph 25 of the Complaint to which

no response by Lasalle is required.

26. Plaintiff sets forth a conclusion of law in Paragraph 26 of the Complaint to which no response by Lasalle is required.

### COUNT I

27. Lasalle incorporates by reference, repeats and realleges as if fully set forth herein each and everyone of her responses to Paragraphs 1 through 26 of the Complaint, and otherwise denies the allegations contained in Paragraph 27 of the Complaint.

28. Lasalle is without information sufficient to form a belief as to the truth or falsity of Plaintiff's allegations in Paragraph 28 of the Complaint.

29. Lasalle denies the allegations contained in Paragraph 29 of the Complaint.

30. Lasalle is without information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 30 of the Complaint.

31. Lasalle is without information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 31 of the Complaint.

32. Lasalle is without information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 32 of the Complaint.

33. Lasalle denies the allegations contained in Paragraph 33 of the Complaint.

34. Lasalle denies the allegations contained in Paragraph 34 of the Complaint.

35. Lasalle denies the allegations contained in Paragraph 35 of the Complaint.

36. Plaintiff sets forth a conclusion of law in Paragraph 36 of the Complaint to which no response by Lasalle is required.

37. Lasalle denies the allegations contained in Paragraph 37 of the Complaint.

38. Plaintiff sets forth a conclusion of law in Paragraph 38 of the Complaint to which

no response by Lasalle is required.

39. Plaintiff sets forth a conclusion of law in Paragraph 39 of the Complaint to which no response by Lasalle is required.

## **COUNT II**

40. Lasalle incorporates by reference, repeats and realleges as if fully set forth herein each and everyone of her responses to Paragraphs 1 through 39 of the Complaint, and otherwise denies the allegations contained in Paragraph 40 of the Complaint.

41. Lasalle denies the allegations contained in Paragraph 41 of the Complaint.

42. Lasalle denies the allegations contained in Paragraph 42 of the Complaint.

43. Lasalle denies the allegations contained in Paragraph 43 of the Complaint.

44. Lasalle denies the allegations contained in Paragraph 44 of the Complaint.

45. Lasalle denies the allegations contained in Paragraph 45 of the Complaint.

46. Lasalle denies the allegations contained in Paragraph 46 of the Complaint.

47. Lasalle denies the allegations contained in Paragraph 47 of the Complaint.

48. Lasalle denies the allegations contained in Paragraph 48 of the Complaint.

49. Lasalle denies the allegations contained in Paragraph 49 of the Complaint.

## **AFFIRMATIVE DEFENSES**

### **FIRST AFFIRMATIVE DEFENSE**

1. Plaintiff has failed to state a claim upon which relief can be granted.

### **SECOND AFFIRMATIVE DEFENSE**

2. Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

**THIRD AFFIRMATIVE DEFENSE**

3. Plaintiff, by his acts and omissions, is barred from relief in this action by the doctrine of estoppel.

**FOURTH AFFIRMATIVE DEFENSE**

4. Plaintiff, by his acts and omissions, is barred from relief in this action by the doctrine of waiver.

**FIFTH AFFIRMATIVE DEFENSE**

5. Plaintiff, by his acts and omissions, is barred from relief in this action by the doctrine of laches.

WHEREFORE, Lasalle respectfully requests the Court dismiss all of Plaintiff's claims against Lasalle with prejudice, and further requests that the Court enter a judgment for Lasalle against Plaintiff for costs, disbursements, attorney's fees, and any other and further relief the Court deems just and proper.

DATED: New York, New York  
July 14, 2008

Respectfully submitted,  
ORRICK HERRINGTON & SUTCLIFFE  
LLP

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 14, 2008, I caused a true and correct copy of Defendant Blanca Lasalle's Answer to Plaintiff R. J. Capak's Complaint to be delivered via electronic mail to the attorney of record named below:

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